S.B. Criminal Misc. II Bail Application No.1689/2006
Date : 11.07.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. R.K. Charan for the applicant.
Mr. Vishnu Kachawaha, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that infact it is correct that the vehicle from which the contraband material was recovered was of the applicant but when the driver was driving the vehicle, he stayed somewhere on the way and thereafter it is alleged that contraband material was kept in the vehicle. According to learned counsel in the present case atleast the prosecution is required to show that that the applicant was having remote knowledge that the vehicle was used for the purpose of transporting contraband material. He further submits that the applicant was not found

with the vehicle, therefore, he may be enlarged on bail. In support of his statement, he placed reliance on an order passed by this Court in S.B. Criminal Misc. Bail Application No.2204/2006(Mal Singh Vs. State of Rajasthan) dated 01.06.2006.

On the other hand, learned Public Prosecutor has opposed the bail application and submitted that in view of the statement of Bhagirath Singh available in file at page No.49, it would proper that the applicant was having knowledge that the vehicle was used for the purpose of transporting contraband material.

I have considered the submissions made before me and carefully gone through the statement of Bhagirath Singh available at Page No.49.

After hearing learned counsel for the parties and after reading statement of Bhagirath Singh, I am of the opinion that in this case the applicant has made out a case for

releasing him on bail. Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Bhavani Singh son of Khiv Singh shall be released on bail in FIR No.418/2005 P.S. Nimbahera, District Chittorgarh, provided he executes a personal bond in the sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.